

## Message Text

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ACTION EUR-12

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E.O. 11652: N/A

TAGS: PFOR, PINT, ELAB, SP

SUBJ: HUMAN RIGHTS: SEVERAL PUERTO DEL SOL  
BOMBING SUSPECTS RELEASED ON BAIL

REF: A. MADRID 7980 OF DEC 20,1974  
B. MADRID 3083

SUMMARY: AMONG IMPORTANT NEW DEVELOPMENTS IN LONG-  
PENDING PUERTO DEL SOL BOMBING CASE ARE: (A) RELEASE  
FROM JAIL, MOSTLY ON BAIL, OF 7 OF 15 PERSONS (INCLUDING  
NOTED PLAYWRIGHT ALFONSO SASTRE AND LEADING SPANISH  
FEMINIST LYDIA FALCON); (B) A MAJOR CHANGE IN JURISDICTION;  
I.E., FROM A MILITARY TRIBUNAL TO PUBLIC ORDER COURT; AND  
(C) GOVT ANNOUNCEMENT THAT IT WILL ONLY PURSUE RELATIVELY  
WEAK CHARGE OF "ILLCIT ASSOCIATION" AGAINST 10 OF  
ACCUSED IN CASE. END SUMMARY

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1. SEVEN OF THOSE JAILED FOR PAST 9 MONTHS IN CONNECTION

WITH SEPT 13, 1974 BOMBING AT MADRID'S PUERTO DEL SOL WHICH KILLED 12 PERSONS AND INJURED 69, HAVE RECENTLY BEEN RELEASED FROM PRISON. THOSE RELEASED WERE: (A) REMEDIOS PEREZ LOPEZ, WIFE OF STILL-JAILED WORKER ANTONIO DURAN, WHO WAS RELEASED ON BAIL OVER A MONTH AGO; (B) INCARNACION ALVAREZ AND CESAR FERNANDEZ, MOTHER AND FATHER RESPECTIVELY OF MARIA LUZ FERNANDEZ ALVAREZ (FORMER LOCAL EMPLOYEE LIBRARIAN AT CUBAN EMBASSY IN MADRID), BOTH OF WHOM WERE RELEASED JUNE 6 WITH GOVT DROPPING ALL CHARGES AGAINST THEM; AND (C) PLAYWRIGHT ALFONSO SASTRE; IBERIA AIRLINE PILOT BERNARDO VADEL CARRERAS; FEMINIST AND LAWYER LYDIA FALCON O'NEILL; AND LATTER'S HUSBAND, WRITER ELISEO BAYO POBLADOR, WHO WERE RELEASED ON JUNE 10 AND 11 UPON PAYMENT OF 30,000 PESETAS (APPROX U.S. \$550) BAIL EACH.

2. DEFENSE LAWYERS ALSO TOLD LABATT THEY BELIEVE FOUR MORE OF THOSE STILL IMPRISONED MAY ALSO SOON BE RELEASED ON BAIL, I.E., (A) CARMEN NADAL CESTARD, WIFE OF AIRLINE PILOT VADELL; (B) THEATER DIRECTOR VICENTE SAINZ DE LA PENA; (C) SAINZ DE LA PENA'S WIFE, ACTRESS MARIA PAZ BALLESTEROS; (C) SAINZ DE LA PENA'S WIFE, ACTRESS MARIA PAZ BALLESTEROS; AND (D) UNIVERSITY STUDENT EDUARDO SANCHEZ GASTELL.

3. SHOULD LATTER FOUR BE RELEASED, ONLY FOUR OF 17 PERSONS ORIGINALLY ARRESTED THIS CASE WOULD REMAIN IN PRISON: (A) DR.GENOVEVA FOREST TARRAT, PHYSICIAN AND WIFE OF PLAYWRIGHT ALFONSO SASTRE; (B) WORKER ANTONIO DURAN VELASCO; (C) FORMER CUBAN EMBASSY LIBRARIAN MARIA LUZ FERNANDEZ ALVAREZ; AND (D) JOSE MARIA ARRUABARRENA, ALIAS "EL TANQUE", A YOUNG BASQUE AND ALLEGED PCE MEMBER. DEFENSE LAWYERS BELIEVE LAST FOUR LIKELY REMAIN IN PRISON UNTIL TRIAL ACTUALLY TAKES PLACE.

4. GOVT ALSO HAS LONG-STANDING WARRANTS FOR ADDITIONAL ARRESTS FOUR YOUTHS THIS CASE, NONE OF THOM IT HAS BEEN ABLE TO LOCATE AND ALL OF WHOM ARE BELIEVED TO BE IN FRANCE, I.E., BEGNAR OYARZABAL, MARIA LOURDES CRISTOBAL, JUAN MANUEL GALARRAGA, AND MARIA DE LOS ANGELES YANES.

5. IN EARLIER RELATED DEVELOPMENT, MILITARY AUTHORITIES LIMITED OFFICIAL USE

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ON MAY 23 TRANSFERRED CASES OF ALL BUT TWO OF THOSE ARRESTED TO CIVILIAN PUBLIC ORDER COURT. THUS PUERTO DEL SOL BOMBING TRIAL FOR MOST OF ACCUSED WILL NOW BE HELD IN PUBLIC ORDER COURT, WITH SEPARATE COURTS-MARTIAL TO BE HELD IN CASES OF TWO WOMEN SUSPECTS WHO HAVE BEEN RETAINED UNDER MILITARY JURISDICTION, I.E., GENOVEVA FOREST AND MARIA LUZ FERNANDEZ. THIS ALSO SIGNIFIES THAT, WITH EXCEPTIONS OF DR.FOREST AND MISS FERNANDEZ, OTHERS

WILL NO LONGER BE TRIED FOR TERRORISM, ARE NO LONGER SUBJECT TO POSSIBLE DEATH PENALTIES, AND WILL BE TRIED FOR SUCH MINOR OFFENSES AS ILLEGAL PROPAGANDA AND ILLICIT ASSOCIATION, WITH LATTER ACCUSATION NOW FORMING ONLY CHARGE AGAINST 10 OF THEM.

6. THESE UNEXPECTED ACTIONS DO NOT AFFECT CHARGES OF TERRORISM LEVIED AGAINST DR.FOREST AND WORKER ANTONIO DURAN FOR ALLEGED INVOLVEMENT IN SEPARATE CARRERO BALNCO ASSASSINATION CASE, WHICH CASE IS SCHEDULED TO BE TRIED BY MILITARY COURT, WITH POSSIBILITY OF DEATH PENALTIES.

7. THERE NO INDICATION WHEN PUERTO DEL SOL BOMBING TRIAL (PLUS SEPARATE COURT MARTIAL FOR TWO WOMEN), WILL NOW BE HELD, ALTHOUGH THEY REPORTEDLY CANNOT NOW BE HELD BEFORE THIS FALL, AND DEFENSE LAWYERS BELIEVE THEY WILL BE DELAYED UNTIL 1976. THEY CONSIDER IT MORE LIKELY SEPARATE CARRERO BLANCO ASSASSINATION COURT MARTIAL, WITH FOREST AND DURAN INCLUDED, WILL BE HELD BEFORE PUERTO DEL SOL CASES, ALTHOUGH AGAIN NOT BEFORE THIS FALL. ADDITIONALLY, LAWYERS PETITIONS FOR TRANSFER OF CARRERO BLANCO ASSASSINATION CASE FROM MILITARY TO CIVILIAN JURISDICTION ARE BEING CONSIDERED THIS WEEK BY SPANISH SUPREME COURT.

8. COMMENT: AMONG THEORIES NOW BEING OFFERED TO EXPLAIN GOVT'S SURPRISING CHANGE OF POSTURE ARE ITS SENSITIVITY TO GROWING INTERNATIONAL PRESSURES, ITS INABILITY TO DEVELOP STRONG EVIDENCE, AND RESISTANCE AMONG MILITARY TO TRYING UNPOPULAR CASE WITH ONLY SKETCHY EVIDENCE AND THEIR DESIRE DISINVOLVE THEMSELVES AND HAND CASE TO CIVILIAN JURISDICTION. IT ALSO SPECULATED GOVT MAY HAVE BEEN ABLE OBTAIN INFO AGAINST OTHER PERSONS PERHAPS MORE DEEPLY INVOLVED, AND LIMITED OFFICIAL USE

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THAT MORE LENIENT APPROACH MAY ALSO REPRESENT INFLUENCE OF NEW AND MORE MODERATE JUSTICE MINISTER SANCHEZ VENTURA. IN ANY CASE, RELEASE ON BAIL OF SUSPECTS AND TRANSFER OF MOST OF THEM TO CIVILIAN JURISDICTION LIKELY TO GREATLY REDUCE INTERNATIONAL PROTEST CAMPAIGN OVER CASE.  
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